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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/122,484	07/24/1998	TERESA FARIAS LATTER	8285/181	4450

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EXAMINER

NGUYEN, DUC MINH

ART UNIT	PAPER NUMBER
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2643

34

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/122,484

Applicant(s)

LATTER ET AL.

Examiner

Duc Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-66 and 68-93 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 57-66, 68-93 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 57-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al (5,905,774) in view of Blumhardt (5,533,106) and Bartholomew (5,497,414).

Consider claims 57-59. Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106).

Tatchell does not clearly teach generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station.

Blumhardt teaches generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (see the entire abstract; fig. 4-5, col. 2, ln. 35 to col. 3, ln. 34; col. 6, ln. 11 to col. 7, ln. 13). The SCP has

to receive information regarding the calling line number identification (CLID) in order to detect whether the caller ID can be delivered or not.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Blumhardt into the teachings of Tatchell, so that called party can screen or monitor the incoming call before answering the call in order to avoid answering nuisance, harassment, or unimportant calls.

Tatchell in view of Blumhardt does not teach in response to this request if the caller keys a special privacy override code then the call is completed without providing any caller identification information to the called communication station.

Bartholomew teaches in response to this request if the caller keys a special privacy override code then the call is completed without providing any caller identification information to the called communication station (col. 6, ln. 40 to col. 7, ln. 62).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Bartholomew into the teachings of Tatchell in view of Blumhardt, so that privacy of the calling party can be preserved.

3. Claims 60-66, 68-73, 75-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al (5,905,774) in view of Blumhardt (5,533,106).

Consider claims 60, 64, 68. Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard

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caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106); recording audible caller ID information transmitted from the calling communication station (col. 18, ln 59-61); means for transmitting the audible caller identification information to the called communication station (e.g., agent announces calling party upon subscriber going off-hook; figure 8b step 106) without transmitting an additional request for audible caller ID information to the calling communication station (e.g., the only time the agent transmits an additional request for audible caller ID information to the calling communication station is when the CLID is not in the contact directory, col. 21, ln 9-17); and canceling the call in response to input from the called communication station (see figure 8d steps 116-119).

Tatchell does not clearly teach generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station.

Blumhardt teaches generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (see the entire abstract; fig. 4-5, col. 2, ln. 35 to col. 3, ln. 34; col. 6, ln. 11 to col. 7, ln. 13). The SCP has to receive information regarding the calling line number identification (CLID) in order to detect whether the caller ID can be delivered or not.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Blumhardt into the teachings of Tatchell, so that called party can screen or monitor the incoming call before answering the call in order to avoid answering nuisance, harassment, or unimportant calls.

Consider claims 61-63. Tatchell further teaches the limitations of claims 61-63 in (col. 18, ln 64 to col. 19, ln. 11).

Consider claim 65. Tatchell further teaches the step of transmitting a request for the calling party to speak his or her name (see figure 8b).

Consider claim 66. Tatchell teaches all the subject matter claimed, note see the rejection of claim 1, and further teaches the step of transmitting a text message to the called communication station (e.g., transmitting a text message, and translating the text message to speech; column 18 lines 39-63).

Consider claims 69-73, 76, 91-93. Tatchell teaches an apparatus for processing a call from a calling party (calling party 22) at a calling communication station to a called communication station (i.e., subscriber 17a-17n), comprising means for determining whether standard caller identification information for the calling communication station can be provided to the called communication station (e.g., the CLID cannot be verified or detected; column 20 lines 50-51; see figures 8a-b steps 103 and 106); means for transmitting a request for audible caller identification information to the calling communication station in response to a determination that the standard caller identification information cannot be provided to the called communication station (e.g., agent obtains caller's name as delivered over the network or by asking the caller to say their name; figure 8b step 106); recording audible caller ID information transmitted from the calling communication station (col. 18, ln 59-61); means for transmitting the audible caller identification information to the called communication station (e.g., agent announces calling party upon subscriber going off-hook; figure 8b step 106) without transmitting an additional request for audible caller ID information to the calling communication station (e.g., the only time the agent transmits an additional request for audible caller ID information to the calling communication station is when the CLID is not in the contact directory, col. 21, ln 9-17); and transferring the call to a voice mail system in response to input from the called party (col. 21, ln. 20-40).

Tatchell does not clearly teach generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station.

Blumhardt teaches generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station (see the entire abstract; fig. 4-5, col. 2, ln. 35 to col. 3, ln. 34; col. 6, ln. 11 to col. 7, ln. 13). The SCP has to receive information regarding the calling line number identification (CLID) in order to detect whether the caller ID can be delivered or not.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Blumhardt into the teachings of Tatchell, so that called party can screen or monitor the incoming call before answering the call in order to avoid answering nuisance, harassment, or unimportant calls.

Consider claim 75. Tatchell further teaches the steps of recording the audible caller identification information and transmitting the recorded audible caller identification information to the called telephone station (column 16 lines 20-35).

Consider claims 77, 84, 90. Tatchell teaches all the subject matter claimed, note see the rejection of claims 60, 68-71, and further teaches that his method can be utilized in an advanced intelligent network (SS7 network; column 6 line 63 to column 10 line 47). The telephone switching database (19) or subscriber database (see figure 2b) in combination with the personal agent processor (11) reads on the service node, and SCP. Blumhardt also teaches that his method can be utilized in an advanced intelligent network (see the entire abstract; fig. 4-5, col. 2, ln. 35 to col. 3, ln. 34; col. 6, ln. 11 to col. 7, ln. 13).

Consider claims 78-79, 85-86. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling

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communication station is unavailable (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 80 and 87. Tatchell further teaches that the service control point is operative to determine whether the standard caller identification information for the calling communication station has been blocked (column 10 lines 8-39; column 12 line 65 to column 13 line 38; column 17 line 46 to column 18 line 38).

Consider claims 81 and 88. Tatchell further teaches that the service node is operative to transmit audible messages to the calling communication station (column 21 lines 20-47).

Consider claims 82 and 89. Tatchell further teaches that the service node is operative to transmit audible messages to the called communication station (see figures 8a-d).

Consider claims 83 and 90. Tatchell further teaches that the service node is operative to receive and respond to input from the called communication station (column 21 lines 20-40).

4. Claim 74 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tatchell et al (5,905,774) in view of Blumhardt (5,533,106) as applied to claims 60, 69, 70, 71 above, and further in view of Jones et al (5,033,076).

Consider claim 74. Tatchell in view of Blumhardt does not teach transmitting message to indicate that the called communication does not accept calls from an unidentified calling party.

Jones teaches transmitting message to indicate that the called communication does not accept calls from an unidentified calling party (see the abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teachings of Jones into the teachings of Tatchell in view of Blumhardt, so that called party can screen or monitor the incoming call before answering the call in order to avoid answering nuisance, harassment, or unimportant calls.

Response to Arguments

5. Applicant's arguments filed 3/11/04 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Tatchell discloses the inventive concept that is providing call screening, call disposition and audible caller id to a subscriber whenever the caller id is not available. Blumhardt discloses in detail the steps of generating a query in response to the receipt of the call, wherein the query includes the telephone number associated with the calling communication station; and determining whether standard caller id information of the calling station can be provided to the called station by analyzing data contained within the query. Furthermore, in response to applicant's argument that the proposed modifications of Tatchell are improper because it changes the principle of operation of Tatchell, it is noted that the test for obviousness is not whether the features of a secondary references may be bodily incorporated into the structure of the primary reference (or vice versa); nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Blumhardt is considered as a newly discovered reference, since it has never been used in any office actions, except for the office action mailed 10/7/03.

Conclusion

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6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc Nguyen whose telephone number is 703-308-7527. The examiner can normally be reached on 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Duc Nguyen
Primary Examiner
Art Unit 2643

4/23/04